

REMARKS/ARGUMENTS

Claims 1-19 are pending in the present application and stand rejected.

Claims 10-18 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 1, 2, 6-11, and 15-19 are rejected under 35 U.S.C. 102 as being anticipated by United States Patent 7,222,147 to Black et al. (hereinafter "Black").

Claims 3-4 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of United States Patent 6,633,977 to Hamilton II et al. (hereinafter "Hamilton").

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of United States Patent 6,148,402 to Campbell.

Applicants thank the Examiner for the non-final office action and for his helpful suggestions made in connection with the rejections under 35 U.S.C. 101. As recommended, claims 10-18 are amended to recite a "computer-readable storage medium." Applicants believe that the scope of claims 10-18 is not changed by the amendment.

In response to the office action, Applicants respectfully submit that Black fails to anticipate the claims or to render them obvious. As discussed below, Black indicates that one or more network devices send binary data to a computer running network management software and that the management computer can convert the binary data into ASCII format. By contrast, the claims recite that data for circuit-related objects is translated from binary to ASCII at a network control processor and that the ASCII data is then received at the network management system.

Rejections under Section 101

As noted above, claims 10-18 are amended to recite a "computer-readable storage medium" to better define their context. The recommended amendments clarify that the claims are not directed to software per se and thus address the concerns regarding statutory subject matter. Accordingly, Applicants request withdrawal of the rejections under 35 U.S.C. §101.

Rejections under Section 102

A. Claim 1

Claim 1 recites a method for synchronizing circuit related objects between a network management system (NMS) and a network control processor (NCP). The method comprises "receiving at the network control processor one or more commands from the network management system to translate the data for circuit related objects; translating the data for the circuit related objects from binary data to ASCII data in the network control processor in response to the commands; receiving into the network management system server the ASCII data from the network control processor." As claimed, the NCP translates data for circuit-related objects from binary to ASCII in response to commands from the NMS. Thereafter, the ASCII data is received for processing at the NMS. Black does not disclose at least these features.

Black discusses a class-based system in which network devices 10 provide binary data to a workstation 62 running network management software. See, Black at Fig. 9a; col. 25, lines 60-63; col. 26, lines 43-49. The network devices have FTP clients 412 which push the binary data files to the management workstation. See, Black at Fig. 9b; col. 28, lines 25-28. The management workstation then processes the binary data files according to their respective class definitions. See, Black at col. 28, lines 46-49. In one instance, the management workstation uses class files to convert binary data received from the network devices to ASCII format. See, Black at col. 28, lines 56-58.

By contrast, the present invention requires data to be translated from binary to ASCII at the network control processor. As claimed, the NCP performs the translation in response to commands from the NMS. Thereafter, the translated ASCII data is received at the NMS from the NCP. Thus, the translation step is performed by the network control processor -- not by the network management system. Unlike Black, the inventive method harnesses the processing power and capabilities of the NCPs to translate potentially large volumes of circuit-related data rather than relying upon a centralized NMS to perform this task.

Accordingly, Applicants submit that Black fails to anticipate claim 1 because Black does not disclose that circuit related objects are translated from binary data to ASCII data

by a network control processor or that the network control processor sends the translated ASCII data to the NMS for processing.

B. Claim 10

Claim 10 recites limitations similar to those discussed in connection with claim 1 and is therefore believed allowable for at least the reasons previously given. Specifically, claim 10 recites a computer-readable storage medium carrying instructions for causing one or more processors to perform the steps of "receiving at the network control processor one or more commands from the network management system to translate the data for circuit related objects; translating the data for the circuit related objects from binary data to ASCII data in the network control processor in response to the commands; receiving into the network management system server the ASCII data from the network control processor." As previously discussed, Black does not disclose at least these features and limitations.

C. Claim 19

Claim 19 recites limitations similar to those discussed in connection with claim 1 and is believed allowable for at the reasons previously given. Specifically, claim 19 recites "sending a command for translating data for the circuit related objects from binary data to ASCII data to the NCP, wherein the NCP translates data for the circuit related objects from binary data to ASCII data in the NCP; receiving into the network management system server (NMS) the ASCII data from the network control processor." Black does not disclose at least these features and limitations.

Applicants are uncertain as to the meaning of the Examiner's remarks at paragraph 8 of the office action. The Examiner indicates a lack of agreement with arguments made in the preceding amendment, but does not specify the nature of the disagreement. Instead, the Examiner appears to have dropped the previous rejections in favor of rejections drawn to the new references. It is respectfully requested that the Examiner clarify the status of claim 19 in relation to the new and old references so that any remaining concerns can be addressed.

D. Claims 2, 6-9, and 15-18

Claim 2 and claims 6-9 depend from claim 1; claims 15-18 depend from claim 10. Each of the dependent claim incorporates the limitations of its respective base claim and each is therefore believed allowable over Black for at least the reasons previously discussed.

Rejections under Section 103

Claims 3-5 and 12-14 are rejected as being unpatentable over Black in view of secondary references Hamilton and Campbell. As discussed above, Black fails to teach or suggest at least the claimed translating and receiving ASCII steps with their related limitations. Neither Hamilton nor Campbell cures these deficiencies. Accordingly, taken alone or in combination, Black in view of either secondary reference fails to render claims 3-5 and 12-14 obvious.

In addition, Applicants respectfully submit that Black teaches away from the claimed inventions. Black contemplates centralized data conversion in which a management computer "learns" how to process binary data produced by network devices using class files. See, Black at col. 26, line 63 - col. 27, line 3. By contrast, in the claims, data translation is performed at the network control processor and *translated data* is sent to the network management system. Thus, contrary to Black's teaching, data translation is decentralized. Accordingly, Applicants submit that a person of skill in the art would not be motivated to modify Black in the manner claimed and that doing so would render Black unfit for its intended purpose.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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